

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSEPH PHAM,

Plaintiff,

V.

NCB MANAGEMENT SERVICES,  
INC., et al.,

## Defendants.

**Case No. C-12-04140 RMW**

## **ORDER TO SHOW CAUSE**

On August 7, 2012, plaintiff Joseph Pham filed this action alleging credit reporting and debt collection violations. First, Pham failed to appear at the initial case management conference on October 23, 2012. Then he failed to appear at a hearing on November 13, 2012, as ordered by Magistrate Judge Lloyd to show cause why the case should not be dismissed for failure to prosecute. After the second failure to appear, Judge Lloyd issued a report and recommendation that the case be dismissed for failure to prosecute. *See* Dkt. No. 7.

Despite of his failure to appear in court, on November 11, 2012, Pham filed a request for default judgment against defendant for failure to answer or plead.

It appears to the court that plaintiff has failed to diligently prosecute his claims. The court will give Pham a final chance to show that he has diligently prosecuted his claims. Pham is ordered to show cause why his claims should not be dismissed by explaining by filing:

1. a proof of service of serving the summons on defendant; and
2. a declaration or affidavit why he failed to appear at the case management conference and appear in response to Judge Lloyd's Order to Show Cause.

Plaintiff must file both documents by December 20, 2012. Absent a showing of good cause for his apparent failure to diligently prosecute, the case will be dismissed without prejudice.

It is so ordered.

Dated: November 19, 2012

Ronald M. Whyte  
Ronald M. Whyte

Ronald M. Whyte  
United States District Court Judge